

Filed: November 5, 1998

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 97-7871
(CA-97-159-5-21)

ALLEN POWERSTEIN,

Plaintiff - Appellant,

versus

FEDERAL BUREAU OF PRISONS; M. E. RAY, Warden;
M. RICHER, Associate Warden; KAPUSTA, Camp
Administrator; C. CRAWFORD, Captain; R. MOORE,
Unit Manager; M. CAMPBELL, Unit Manager; J.
TUDOR, Lieutenant; ALSTON, Case Manager, VAN
DIVER, Counselor; THREE UNKNOWN, UNIDENTIFIED
INMATES,

Defendants - Appellees.

O R D E R

The court amends its opinion filed October 7, 1998, as follows:

On the cover sheet, section 2, lines 4-5 -- "J. TUDOR, Lieutenant; ALSTON, Case Manager" are added to correct the caption.

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7871

ALLEN POWERSTEIN,

Plaintiff - Appellant,

versus

FEDERAL BUREAU OF PRISONS; M. E. RAY, Warden;
M. RICHER, Associate Warden; KAPUSTA, Camp
Administrator; C. CRAWFORD, Captain; R. MOORE,
Unit Manager; M. CAMPBELL, Unit Manager; J.
TUDOR, Lieutenant; ALSTON, Case Manager, VAN
DIVER, Counselor; THREE UNKNOWN, UNIDENTIFIED
INMATES,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Orangeburg. William B. Traxler, Jr., District
Judge. (CA-97-159-5-21)

Submitted: September 22, 1998

Decided: October 7, 1998

Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen Powerstein, Appellant Pro Se. Barbara Murcier Bowens, OFFICE
OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Allen Powerstein appeals the district court's order denying relief on his 42 U.S.C.A. S 1983 (West 1994 & Supp. 1998) complaint.* We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error. Accordingly, we affirm on the reasoning of the district court. *Powerstein v. Federal Bureau of Prisons*, No. CA-97-159-5-21 (D.S.C. Dec. 11, 1997). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* Although Powerstein's claim was filed under S 1983, the district court properly construed it as one under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).